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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,862	02/28/2001	Tomoyuki Obara	202344US0XPC	3436

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EXAMINER

KUHNS, ALLAN R

ART UNIT	PAPER NUMBER
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1732

DATE MAILED: 11/21/2002

8

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/763,862Applicant(s)  
OBARAExaminer  
KUHNGroup Art Unit  
1732

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE (3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-15 is/are pending in the application.
- ☐ Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-4, 6-10, 12-13 AND 15 is/are rejected.
- ☒ Claim(s) 5, 11 AND 14 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement

## Application Papers

- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).
- ☐ All ☐ Some\* ☐ None of the:
  - ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 5
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-9 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Masui et al. Masui et al. disclose the basic claimed molding of a thermoplastic resin which contains 15-70% inorganic fibers by weight (column 15, lines 16-22) having a fiber length of from 1-20 mm (column 9, lines 57-58) and a void volume or porosity of from 10-90% (column 21, line 20. Note MPEP 2113 regarding the treatment of product-by-process claims. Alternatively, it would have been obvious to one of ordinary skill in the art to form the article of Masui et al. by blow molding in order to form its hollow shape.

Masui et al. disclose the use of polypropylene, polyamide, polycarbonate or polyester, as in claim 7, at column 10, lines 1-9, and state that the products may be used with vehicle engines column 1, lines 41-50), as in claim 9, although this is really a statement of an intended use for the article rather than a further limitation of the structure.

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4. Claims 1, 3-4, 6, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes. Rhodes discloses or suggests the basic claimed blow molding method for fiber-containing thermoplastic resins including holding a parison made of an inorganic fiber containing thermoplastic resin between a pair of facing splits of a mold, blowing the parison to shape it and reducing pressure inside the parison (by halting the use of gas pressure when the article is shaped). Rhodes appears not to explicitly state that the resin is melt expandable, but such would have been obvious to one of ordinary skill in the art based on the fact that fluid pressure causes the parison to expand into conformance with the mold walls.

Rhodes teaches the use of glass fibers, as in claims 4 and 13, and suggests a fiber loading within the range of this claim by stating that the fibers extend continuously through the parison. Modifying a thermoplastic resin using an unsaturated carboxylic acid, as in claims 6 and 15, is well known and such would have been obvious to one of ordinary skill in the art practicing the process of Rhodes in order to strengthen the resin.

5. Claim 2, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ertle et al. Ertle et al. disclose the basic claimed blow molding method using a thermoplastic resin containing inorganic fibers and a blowing agent or foaming agent at column 1, lines 27-51. Conducting a blow molding operation using facing split molds is well known and would have been obvious to one of ordinary skill in the art in order to expediently deliver a parison to the molding area for shaping. Comments concerning claim 6 are considered applicable to claim 12 and it is submitted that Ertle et al. suggest loadings within the range of claim 10.

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6. Claim 5, 11 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allan Kuhns whose telephone number is (703) 308-3462. The examiner can normally be reached on Monday to Thursday from 7:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Silbaugh, can be reached on (703) 308-3829. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7718.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
ALLAN R. KUHNS  
PRIMARY EXAMINER AU 1732

11-19-02